

REMARKS

Claims 1 - 8 are pending the application; Claims 1 - 8 stand rejected under 35 USC §103. The Examiner has also restricted this case and requires election of one of the following inventions: I - Claims 1 and 3-8; and II - Claim 2. Applicant herewith elects invention I - Claims 1 and 3-8. By this Amendment, Claim 2 has been cancelled.

The Examiner has objected to the drawings in general, citing for example the graph in the upper right hand corner for Figure 15c, as containing writing too small to read. Applicant respectfully traverses this objection. Applicant submits that all substantive information in the drawings is readily legible; the only text that is smaller is text that is intended to show where text would be, rather than what the text would or should say. Applicant does herewith submit a replacement drawing sheet for Figure 15c, having replaced the only text Applicant can find that was intended to be legible but arguably was not. Applicant therefore now requests approval of the drawings for this case.

Claims 1 and 3-8 stand rejected under 35 USC 103 as allegedly obvious over Lerner in view of Tran; Applicant respectfully traverses these rejections. Applicant's claims are addressed to a system specifically designed for use with intellectual property (IP) and, as such, is distinguished from the system of Lerner, or any other system which is designed for use with data relating to a physical product. Knowledge or thought entities such as innovations, ideas, IP assets and intellectual creations generate data that is in fact functionally related to the system claimed, which is used to track, protect and directly contribute to the creation of more thought entities.

A non-exhaustive list of examples of such functionally related data includes: 1) resources required for development, 2) elements which enhance or combine thought entities with other thought entities, 3) knowledge contributions of experts within the organization and 4) the level of IP security sensitivity of the idea. It is believed that a physical product cannot be contributed to, recombined, regenerated and expanded in the same way that an idea can. Lerner does not teach

a system capable of creating and relating knowledge and thought data as is functionally required of a knowledge management system such as that claimed in this case.

While many systems are comprised of at least one computer with at least one database of company data resident thereon, including Learner, Claim 1 is specifically addressed to a system that stores company innovation data. As discussed above, Claim 1, from which claims 3-5 and 7-8 depend, discloses a system for innovation/collaborator management and evaluation, as opposed to Lerner's company product/vendor evaluation system. Claim 1 clearly requires that the system be capable of evaluation, summarization, search and reporting of ideas and innovations. Applicant respectfully submits that the relationships between such data entities require a system distinct from that taught by Lerner.

Applicant submits that there is no teaching or suggestion in the art of record for the query engine of Claim 3 where the limitation of the claimed system require methods for return of data associated with ideas. Lerner teaches a system addressed to the direct digital matching of simplistic data such as a vendor name converted to a number, predefined vendor category converted to a number, vendor style names converted to a number and so forth (Lerner, Fig. 11). Such treatment of data is distinct from the treatment of data generated by the "ideas" claimed in Claim 3 which cannot be assigned a single number value and must be returned by queries of data interrelationships.

Applicant urges that the claimed measurement and determination of innovation and idea merit is distinct from the "evaluation of success or lack thereof of one of the products" as taught by Lerner, in part because of the distinct character of data associated with innovations, as opposed to data relating only to physical objects, and because of the data's interrelationships. However, even were this not the case, the measurement and determination of employee performance and corporate innovation levels disclosed in claim 4 depend and extend the system beyond evaluation of the innovations themselves and therefore beyond the scope of Lerner to an entirely different system of evaluation. For example, the system disclosed in Claim 4 is capable

of supporting assignation of value measurement to various events occurring in the system as part of the system, while Lerner teaches merely the summation of numerical data stored in the database, such as sales numbers between certain dates.

Claim 5 specifically requires a system for assigning tangible values to an organization's current IP. The input/output system illustrated in Fig. 3 and disclosed in Col. 10, lines 1-9 of Lerner is merely a generalized configuration of data transfer and does not address the purpose of the system disclosed in Claim 5 at all. Claim 5 discloses a system whereby a tangible value may be generated from entry of data that is currently considered amorphous and untrackable. It is the identifying of trackable innovation related events, and their association to a specific innovation, which can then be given a balance cost sheet value and compared to the profit value assigned the innovation as an IP asset, which distinguishes the claimed system from Lerner.

Regarding Claim 6, Applicant respectfully submits that the display device taught by Lerner does not teach an important aspect of the claim; that is, the preserving and/or protecting of proprietary assets. The system of Lerner is not capable of identifying, classifying, compiling, tracking and/or routing innovations and proprietary materials data and Applicant further submits that it is not obvious how to develop Lerner's system to make it capable of doing so. Further, Claim 6 requires system that allows employees "instant access" to innovations and proprietary materials. This is particularly important when protecting IP assets. By contrast, Lerner teaches a system in which delay is tolerated and expected as is described in the Background of the Invention section as "on a timely basis, such as every week" and in a "timely manner, preferably on a week-to-week basis." (Lerner, Background of the Invention and Summary of the Invention).

Applicant submits that Lerner is lacking in disclosure of a system whereby intellectual creations may receive time/date stamping and respectfully submits that the reference to Tran col. 10, lines 39-44, disclosing a digitizer that "senses the position of the tip of the stylus or pen on the viewing screen," is not clear in its relevance. However, should there be a misunderstanding regarding the reference, Applicant submits that the time/date certification in Claim 7 discloses a

system capable of providing that important step *for the management of IP materials*. Applicant respectfully urges that it is not obvious to apply a time/date assignment used for email communications, which are one time only, completely digital entities, to a system of IP asset management, particularly, where the intellectual creations are as varied as paper documents, schematics, laboratory notes, electronic documents in multiple versions, prototypes, sample materials and so forth.

Regarding Claim 8, Applicant's disclosure goes beyond merely allowing communication to occur between users in the system, as taught by Tran. Claim 8 requires a system that solicits, organizes and attaches communication to specific ideas and innovations. Applicant respectfully submits that the creation of such collaboration around intellectual property is unique and beyond the scope of Lerner, Tran and/or any combination of the art of record.

Applicant believes that it has responded fully to all of the concerns expressed by the Examiner in the Office Action, and respectfully requests that early favorable action be taken on all claims pending in the application. Applicant respectfully requests reexamination of all rejected claims and early favorable action on them as well. If the Examiner has any further concerns, Applicant requests a call to Patrick Dwyer at (206) 343-7074.

Respectfully submitted,



PATRICK MICHAEL DWYER
Reg. No. 32,411

P03-OA2.RSP

MINDMATTERS TECHNOLOGIES, INC.
1818 WESTLAKE AVENUE N, SUITE 114
SEATTLE, WA 98109

Amendments to the Drawings:

Applicant herewith submits the attached replacement drawing sheet for Figure 15c.